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October 15, 2023

VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Samuel Bankman-Fried*, S6 22 Cr. 673 (LAK)

Dear Judge Kaplan:

On behalf of our client, Samuel Bankman-Fried, we respectfully submit this letter in connection with the issues that we discussed with the Court and Government on Friday relating to Mr. Bankman-Fried's inability to take his prescribed medication during the trial day. As we noted, Mr. Bankman-Fried has been doing his best to remain focused during the trial for the past two weeks, despite not having his prescribed dose of Adderall during trial hours.¹ However, as we approach the defense case and the critical decision of whether Mr. Bankman-Fried will testify, the defense has a growing concern that because of Mr. Bankman-Fried's lack of access to Adderall he has not been able to concentrate at the level he ordinarily would and that he will not be able to meaningfully participate in the presentation of the defense case.

We appreciate the efforts of the Court and the Government to find a way to address these issues. The defense has also attempted to resolve this matter with the BOP, but we have received no response to numerous emails and voice messages.² As discussed with the Court on Friday, the current proposal is to give Mr. Bankman-Fried a 12-hour extended-release 20mg dose of Adderall in the morning before he is transported to the courthouse for trial on Monday, October 16. *See* Trial Tr. 1172:5-7. We are hopeful that this modification will resolve the situation, but it is not clear that the BOP will in fact be able to provide an extended-release dose to Mr. Bankman-Fried before trial resumes on Monday. Even if this occurs, there is no way of knowing at present whether the extended-release dose will be effective for Mr. Bankman-Fried.

¹ As discussed with the Court on Friday, since trial has begun, Mr. Bankman-Fried has been given one dose between 4:00 a.m. and 6:00 a.m. before he is transported to the courthouse, which wears off by the time trial starts at 9:30 a.m. *See* Trial Tr. 1171:12-24. He does not receive another dose until he returns to the MDC between approximately 8:00 p.m. and 9:00 p.m. at night.


² We emailed the MDC Assistant General Counsel on October 5 and October 11, and left voice messages on October 10, October 11, and October 12, but we have received no response.

Accordingly, if the current proposal does not work, either because the extended-release dose is not provided or it fails to have the desired effect, we respectfully request that trial be adjourned for one day on Tuesday, October 17, to find a solution that will work for the remainder of trial. In the alternative, we respectfully request that the Court issue an order permitting the undersigned counsel to provide Mr. Bankman-Fried his prescribed Adderall in the prescribed doses at the courthouse on trial days.

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Respectfully submitted,

/s/ Mark S. Cohen
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cc: All counsel of record (via ECF)

Exhibit A

